

file

BEFORE THE  
STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS

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In the Matter of the Application of	)	
Eugene Kitzke for Water Quality Certification	)	
to Place Fill Material in Wetlands for Residential	)	Case No. 3-SE-94-930
Construction in the Town of Norway, Racine	)	
County, Wisconsin	)	

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ORDER OF DISMISSAL

A telephone conference was conducted in the above-captioned matter on May 28, 1996. Mr. Kitzke acknowledged that under current provisions of Chapter NR 103, Wis. Adm. Code, his application for water quality certification can not be granted. A review of Chapter NR 103, Wis. Adm. Code, is occurring. Mr. Kitzke believes amendments to Chapter NR 103, Wis. Adm. Code, will be made which will allow approval of his application.

A hearing in this matter is scheduled for June 5, 1996. Mr. Kitzke requested that the hearing be postponed until after any amendments to Chapter NR 103, Wis. Adm. Code, have been promulgated. In the interest of administrative efficiency and economy, the Department has asked Mr. Kitzke to withdraw his current application and reapply after the amendments to Chapter NR 103, Wis. Adm. Code, have been promulgated. Mr. Kitzke agreed to do so. In consideration for Mr. Kitzke's withdrawal of his application, the Department agreed to reactivate his current application after the amendments to Chapter 103, Wis. Adm. Code, have been promulgated. Mr. Kitzke will not be required to file a new application or resubmit any supporting material which has already been submitted to the Department. Mr. Kitzke will be required to submit any new jurisdictional material required by the amendments to Chapter NR 103, Wis. Adm. Code.

The Department further agrees at such time as Mr. Kitzke reactivates his application to process the application as expeditiously as possible. If the application is denied, the Department will promptly refer the application to the Division of Hearings and Appeals for a hearing.

ORDER

Pursuant to the stipulation of the parties summarized above, the request for hearing of Eugene Kitzke is dismissed without prejudice.

Dated at Madison, Wisconsin on May 29, 1996.

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DIVISION OF HEARINGS AND APPEALS  
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By Mark Kaiser  
MARK J. KAISER  
ADMINISTRATIVE LAW JUDGE